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Supreme Court of the United States

October Term, 1974

No. 74-1025

BURTICE A. HINES, *et al.*,
Petitioners,

vs.

ANCHOR MOTOR FREIGHT, INC. *et al.*,
Respondents.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RESPONDENT ANCHOR MOTOR FREIGHT'S OBJECTIONS TO THE MOTIONS OF THE AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS, PROD, INC., JAMES BANYARD AND GEORGE E. KISS FOR LEAVE TO FILE BRIEFS AMICI CURIAE

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Pursuant to Rule 42 of the Supreme Court Rules, Respondent Anchor Motor Freight, Inc. objects to the motions for leave to file briefs amici curiae filed by both the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and PROD, Inc., James Banyard and George E. Kiss, on the following grounds:

1. PROD, Inc., James Banyard and George E. Kiss do not have a sufficient interest in the proceedings; their presence is not relevant to the disposition of this case; and, to any degree in which it might be relevant, their

position has been and will be adequately presented by the other parties in this matter.

2. The position of the AFL-CIO has been and will be adequately presented by the parties.

I. PROD, Inc., James Banyard and George Kiss Should Not Be Allowed to File Briefs as Amici Curiae.

A motion for leave to file a brief as amici curiae has been filed by PROD, Inc., James Banyard and George Kiss.

These applicants allege that their interests in these proceedings arises out of their familiarity with the structure and workings of joint committees *similar* to the committee involved in this case. However, the structure and workings of joint committees is not in issue before this Court.

Neither Banyard nor Kiss nor PROD has an interest in this case. It would not be appropriate to allow Banyard, who was an unsuccessful grievant in unrelated proceedings before a different joint committee, to use this case as a vehicle in a propaganda campaign against all Teamster joint committees. Kiss claims an interest by virtue of his membership in Local 377 and by virtue of the fact that he works under a *different* Teamster contract. Neither of these reasons is sufficient. Counsel for Local 377 will adequately protect his interest as a member of that union. The collective bargaining agreement under which he works is totally irrelevant to this case.

PROD, Inc. has absolutely no stake in this lawsuit. The safety and health of truck drivers is not involved here. PROD's alleged familiarity with *similar* (but different) joint grievance committees can be of no use to this Court in resolving the issues of this case.

In addition, the issue which these applicants wish to raise, i.e., that courts should not defer to joint grievance

committee decisions, is not the issue involved. It should not be considered by this Court, as it was neither raised nor discussed by any party or court in the proceedings below.

PROD, Inc. has no legal or factual relationship to this lawsuit. If it has any, it is duplicative of Teamster interests.

II. The Position of the AFL-CIO Has Been Presented by the Other Parties.

In its motion, the AFL-CIO stated that the parties have "concentrated on the particular circumstances of this case." It is their position that "this emphasis serves to obscure the basic truth that this case is governed by *Vaca*." This reliance on *Vaca v. Sipes* is precisely the position advocated by the petitioners. The AFL-CIO has failed to demonstrate why this argument will not be adequately presented by the petitioners.

The AFL-CIO describes its interest in these proceedings as a result of the large number of men and women it represents. However the applicant has failed to explain why the International Brotherhood of Teamsters, which also represents large numbers of workers, will not adequately represent working men and women as a whole.

This movant's desire to concentrate on matters other than "the particular circumstances of this case" because "this emphasis serves to obscure the basic truth . . . " denies a basic tenet that "[w]hile this Court decides questions of public importance, it decides them in the context of meaningful litigation." *The Monrosa v. Carbon Black Export, Inc.*, 359 U.S. 180 (1959).

CONCLUSION

For the foregoing reasons the motions for leave to file briefs amici curiae should be denied.

Respectfully submitted,

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